

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ELBA NIEVES,

Plaintiff,

v.

Case No.: 2:19-cv-474-FtM-38NPM

WALMART STORES EAST, LP,

Defendant.

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**ORDER**<sup>1</sup>

This matter comes before the Court on review of Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment. ([Doc. 57](#)). The Court strikes the filing because it does not comply with the Court's procedure on motions for summary judgment. As stated on the undersigned's [website](#) and in the Case Management and Scheduling Order ([Doc. 31](#)), each response to a motion for summary judgment must include a specifically captioned section titled, "Response to Statement of Material Facts," that mirrors the moving party's statement of material facts by admitting and/or denying each of the moving party's assertions in separate, matching numbered paragraphs. Because Plaintiff's Response does not follow this procedure, the Court will strike it and provide Plaintiff with the opportunity to refile.

Accordingly, it is now


**ORDERED:**

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment (Doc. 57) is **STRICKEN**. Plaintiff may file an amended response to Defendant's Motion for Summary Judgment that complies with the Court's procedures on or before **June 22, 2020**.

**DONE** and **ORDERED** in Fort Myers, Florida this 15th day of June, 2020.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record